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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,854	07/15/2003	Makoto Katagishi	62758-042	4351

7590                    12/12/2007  
MCDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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SIPPLE IV, EDWARD C

ART UNIT	PAPER NUMBER
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4178

MAIL DATE	DELIVERY MODE
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12/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/618,854	KATAGISHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Edward C. Sipple IV	4178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 July 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>07/15/2003, 07/25/2005, 06/08/2007, 06/13/2007</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .



## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities: Regarding Page 9 of the specification, the operation control section is incorrectly referred to as Element “15”, not the correct Element “14” , also on Page 17 of the specification the display section is incorrectly referred to as Element “15”, and not the correct Element “13”. Appropriate correction is required.

2.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “A114” has been used to designate both “apply button” and “user input box” in Application’s “Figure 4B”.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: (Element A113, on Page 11 of the Specification).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

4. **Claim 13** is objected to because of the following informality: the word “storing” should be changed to –stores--. Appropriate correction is required.

**Claim 14** is objected to because of the following informality: the word “receive” should be changed to –receiver--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 11 and 12** are rejected under 35 U.S.C. 102(e) as being anticipated by Thiagarajan (U.S. Patent 7,149,415).

For **Claim 11** Thiagarajan teaches:

a recorder/player (Figure 3 Element 108), comprising:  
a broadcast receiver (Fig. 3 Elem. 306) which receives a broadcast signal containing the information about a program and the video information of the

program (Column 2 Lines 58-67 and Col. 5 Lines 62-67);  
a storage which stores the information about the program and the video  
information of the program, which are received from the broadcast receiver (Col.  
6 Lines 8-14);  
a communicator (Fig. 3 Elem. 306) which communicates with an external  
terminal (Fig. 1 Elem. 116 and Col. 5 Lines 62-67); and  
a controller (Fig. 3 Elem. 308) which exercises control so as to conduct a  
search, when the information about the program that is stored in the external  
terminal is received from the communication section, to check whether the  
rebroadcast information about the program exists in a rebroadcast information  
database (Col. 11 Lines 5-10), which is stored beforehand in the storage (Col. 8  
Lines 17-26), and schedule the recording of the rebroadcast of the program in  
accordance with rebroadcast information when the rebroadcast information is  
found to be available (Col. 11 Lines 5-20).

For **Claim 12** as discussed in independent Claim 11, Thiagarajan further  
teaches:

the recorder/player, wherein said controller exercises control, when the  
rebroadcast of said program is recorded by scheduled recording (Fig. 6 Elem.  
536), so as to replay the rebroadcast (Fig. 6 Elem. 542), which is automatically  
recorded (Col. 1 lines 63-67) when the information about the program that is  
stored in said external terminal is received from the communication section (Col.  
5 Lines 62-67 and Col. 11 Lines 5-12, note the re-broadcast schedule information

for a particular program to be recorded must be received before the automatic recording can take place).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-4, 7-10 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lord (U.S. Patent Application Publication 2003/0002849) in view of Potrebic (U.S. Patent 6,804,824).**

For **Claim 1** Lord teaches:

an information processing terminal (Figure 2 Element 14-1, with Paragraph [0041] Lines 9-13) capable of communicating with another device (Fig. 1 Elem. 14-2 and Paragraph [0020] Lines 2-8), comprising:

a broadcast receiver (Paragraph [0023] Lines 12-15) which receives a broadcast signal (Paragraph [0023] Lines 19-22) containing the video information of the program (Paragraph [0018] Lines 6-8)

Lord does not expressly teach:

the broadcast signal contains program identification information for specifying a program and/or program scene identification information for specifying a scene of the program.

Potrebic teaches:

the broadcast signal contains program identification information for specifying a program and/or program scene identification information for specifying a scene of the program (Col. 6 Lines 41-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to receive broadcast program information along with the actual programming as taught by Potrebic, using the receiver taught by Lord. The motivation would have been to provide said information processing terminal the titles of received broadcast programs.

Lord in view of Potrebic further teaches:

a display which outputs the broadcast signal that is received by the broadcast receiver (Lord, Paragraph [0023] Lines 24-27; with Potrebic Col. 6 Lines 16-20); and

a storage (Lord, Paragraph [0042] Lines 5-10) which extracts the program identification information and/or program scene identification information from the broadcast signal received by the broadcast receiver (Lord, Paragraph [0023] Lines 12-15 and Paragraph [0046] Lines 13-14; with Potrebic, Col. 6 Lines 41-54) and stores the extracted information while the display outputs the video information (Potrebic, Col. 9 Line 67 through Col. 10 Lines 1-7).

For **Claim 2** as discussed in independent Claim 1, Lord in view of Potrebic further teaches:

the information processing terminal further comprises a transmitter which

transmits the program scene identification information stored by said storage when requesting the replay of video information stored in said another device (Lord, Paragraph [0009] Lines 3-10 with Paragraph [0046] Lines 13-16).

For **Claim 3** as discussed in independent Claim 1, Lord in view of Potrebic further teaches:

the information processing terminal further comprises a recording instruction section (Lord, Fig. 12 Elem. 66 and Paragraph [0042] Lines 8-10) which instructs, while the video information is being output by said display (Potrebic, Col. 7 Lines 52-55), said another device to record said video information (Lord, Paragraph [0031] Lines 5-8).

For **Claim 4** as discussed in Claim 3, Lord in view of Potrebic further teaches:

the information processing terminal further comprises a transmitter which transmits the program identification information and/or said program scene identification information stored in said storage to said another device (Lord, Paragraph [0046] Lines 13-16) when said recording instruction section issues a recording instruction to said another device (Potrebic, Col. 7 Lines 51-55; with Lord, Paragraph [0031] Lines 5-10).

For **Claim 7** as discussed in independent Claim 1, Lord in view of Potrebic further teaches:

the information processing terminal further comprises a program-related information acquisition section (Lord, Fig. 12 Elem. 66) which acquires the program-related information about said program (Lord, Paragraph [0023] Lines

12-15 and Paragraph [0046] Lines 13-16; with Potrebic, Col. 6 Lines 41-54), said program-related information acquisition section acquiring the program-related information when said another device does not store the video information of said program (Lord, Paragraph [0007] Lines 3-7, note Lord further teaches the information processing terminal receives and records broadcast programming whether the other device (Lord, Fig. 1 Elem. 14-2) stored the video information or not).

For **Claim 8** as discussed in independent Claim 1, Lord in view of Potrebic further teaches:

the information processing terminal, wherein choices can be made to transmit the information about a program that is stored in said storage to said another device either via an external server (Lord, Fig. 11 Elem. 50 with Paragraph [0040] or directly (Lord, Fig. 1 Elements 14-1, 14-2, and 18, note the communication arrow between 14-1 and 14-2; also Paragraph [0007] Lines 7-14 and Paragraph [0046] Lines 7-16).

For **Claim 9** Lord teaches:

an information processing terminal (Fig. 2 Element 14-1, with Paragraph [0041] Lines 9-13), comprising:

a receiver which receives the video information of a program (Fig. 1 Elements 12 and 14-1, with Paragraph [0007] Lines 3-7)  
Lord does not expressly teach:

a receiver which receives the information about a program;

Potrebic teaches:

receiving information about a program (Col. 6 Lines 41-50)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to receive information about a program as taught by Potrebic, through the receiver taught by Lord. The motivation would have been to provide said information processing terminal the titles of received broadcast programs.

Lord in view of Potrebic further teaches:

an instruction section which issues an instruction which stores at least either the information about the program or the video information of the program (Lord, Fig. 12 Elem. 62 and Paragraph [0042] Lines 1-4; with Paragraph [0007] Lines 4-7);

a storage which stores at least part of the video information of the program and the information about the program when a storage instruction is issued by the instruction section (Lord, Paragraph [0023] Lines 12-15 and Paragraph [0046] Lines 13-14; with Potrebic, Col. 6 Lines 41-54); and

a controller (Lord, Fig. 12 Elem. 66 with Paragraph [0042] Lines 8-10) which exercises control so as to display the information about the program as well as at least part of the video information of the program that is stored in the storage (Lord, Fig. 7 and Paragraph [0029] Lines 3-9).

For **Claim 10** as discussed in independent Claim 9, Lord in view of Potrebic further teaches:

the information processing terminal, wherein said controller exercises

control so as to display, as the history information about a program stored via said instruction section, the information about said program as well as at least part of the video information of said program that is stored in said storage (Lord, Fig. 7 and Paragraph [0029] Lines 3-9).

For **Claim 13** Lord teaches:

an information processing terminal (Figure 2 Element 14-1, with Paragraph [0041] Lines 9-13) capable of communicating with another device (Fig. 1 Elem. 14-2 and Paragraph [0020] Lines 2-8), comprising:  
a broadcast receiver (Paragraph [0023] Lines 12-15) which receives a broadcast signal containing the video information of the program (Paragraph [0018] Lines 5-8 and Paragraph [0023] Lines 19-22)

Lord does not expressly teach:

a broadcast receiver which receives a broadcast signal containing the information about a program;

Potrebic teaches:

a broadcast signal that contains information about a program (Col. 6 Lines 41-54)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to receive information about a program carried on a broadcast signal as taught by Potrebic, using the broadcast receiver taught by Lord. The motivation would have been to provide said information processing terminal the titles of received broadcast programs.

Lord in view of Potrebic further teaches:

a storage (Lord, Paragraph [0042] Lines 5-10) which extracts the information about a program from the broadcast signal received by the broadcast receiver, and stores the extracted information (Lord, Paragraph [0023] Lines 12-

15 and Paragraph [0046] Lines 7-16; with Potrebic, Col. 6 Lines 41-54);

an output section which outputs the broadcast signal which is received by the broadcast receiver (Lord, Paragraph [0021] Lines 1-7 and Paragraph [0023] Lines 23-28) and;

a transmitter which transmits the information about the program to said another device while the output section outputs the video information (Lord, Paragraph [0009] Lines 3-10 with Paragraph [0046] Lines 5-16, note the status messages are transmitted during the simultaneous program viewing).

For **Claim 14** Lord teaches:

an information processing terminal (Figure 2 Element 14-1, with Paragraph [0041] Lines 9-13) capable of communicating with another device (Fig. 1 Elem. 14-2 and Paragraph [0020] Lines 2-8), comprising:

a broadcast receiver means (Paragraph [0023] Lines 12-15) for receiving a broadcast signal containing the video information of the program (Paragraph [0018] Lines 5-8 and Paragraph [0023] Lines 19-22)

Lord does not expressly teach:

the broadcast signal contains program identification information for

specifying a program and/or program scene identification information for specifying a scene of the program.

Potrebic teaches:

the broadcast signal contains program identification information for specifying a program and/or program scene identification information for specifying a scene of the program (Col. 6 Lines 41-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to receive broadcast program information along with the programming as taught by Potrebic, using the broadcast receiver taught by Lord. The motivation would have been to provide said information processing terminal the titles of received broadcast programs.

Lord in view of Potrebic further teaches:

an output means for outputting the broadcast signal that is received by the broadcast receiver (Lord, Paragraph [0021] Lines 1-7 and Paragraph [0023] Lines 23-28); and

a storage means (Lord, Paragraph [0042] Lines 5-10) for extracting the program identification information and/or program scene identification information from the broadcast signal received by the broadcast receiver (Lord, Paragraph [0023] Lines 12-15 and Paragraph [0046] Lines 13-14; with Potrebic, Col. 6 Lines 41-54) and storing the extracted information while the output means outputs the video information (Potrebic, Col. 9 Line 67 through Col. 10 Lines 1-7).

7. **Claims 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lord (U.S. Patent Application Publication 2003/0002849) in view of Potrebic (U.S. Patent 6,804,824) further in view of Thiagarajan (U.S. Patent 7,149,415).

For **Claim 5** Lord teaches:

an information processing terminal (Fig. 2 Elem. 14-1, with Paragraph [0041] Lines 9-13) capable of communicating with another device (Paragraph [0020] Lines 2-8), comprising:

a receiver (Paragraph [0023] Lines 12-15) which receives a broadcast signal which at least contains the video or audio signal of the program (Paragraph [0018] Lines 5-8 and Paragraph [0023] Lines 19-22);

Lord does not expressly teach:

a broadcast signal at least contains information about a program

Potrebic teaches:

a broadcast signal at least contains information about a program (Col. 6 Lines 41-54)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to receive broadcast program information along with the programming as taught by Potrebic, using the broadcast receiver taught by Lord.

The

motivation would have been to provide said information processing terminal the titles of received broadcast programs.

Lord in view of Potrebic further teaches:

a storage (Lord, Paragraph [0042] Lines 5-10) which stores the information about the program that is received by the receiver (Lord, Paragraph [0023] Lines 12-15 and Paragraph [0046] Lines 13-14; with Potrebic, Col. 6 Lines 41-54);

a transmitter which transmits to said another device the information about the program that is stored in the storage (Lord, Paragraph [0009] Lines 3-10 with Paragraph [0046] Lines 13-16); and

a controller which exercises control (Lord, Fig. 12 Elem 66),

Lord in view of Potrebic does not expressly teach:

after the transmitter transmits the information about the program, so as to receive the information about recording a rebroadcast of the program and display the information about the recording of the rebroadcast.

Thiagarajan teaches:

receiving information about recording a rebroadcast of the program and displaying the information about the recording of the rebroadcast (Fig. 4 Elem. 416 with Col. 8 Lines 17-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to following the transmitter transmitting the information about the program, receiving and displaying the rebroadcast information of a program, as taught by Thiagarajan at the information processing terminal taught by Lord in view of Potrebic. The motivation would have been to correlate the recording of a

rebroadcast program between the information processing terminals taught by Lord in view of Potrebic.

For **Claim 6** Lord teaches:

an information processing terminal (Fig. 2 Elem. 14-1, with Paragraph [0041] Lines 9-13) capable of communicating with another device (Paragraph [0020] Lines 2-8), comprising:

a receiver (Paragraph [0023] Lines 12-15) which receives a broadcast signal which at least contains the video or audio signal of the program (Paragraph [0023] Lines 19-22);

Lord does not expressly teach:

a broadcast signal at least contains information about a program  
Potrebic teaches:

a broadcast signal at least contains information about a program (Col. 6 Lines 41-54)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to receive broadcast program information along with the actual programming as taught by Potrebic, using the broadcast receiver taught by Lord. The motivation would have been to provide said information processing terminal the titles of received broadcast programs.

Lord in view of Potrebic further teaches:

a storage (Lord, Paragraph [0042] Lines 5-10) which stores the information about the program that is received by the receiver (Lord, Paragraph

[0023] Lines 12-15 and Paragraph [0046] Lines 13-14; with Potrebic, Col. 6 Lines 41-54);

a transmitter which transmits to said another device the information about the program that is stored in the storage (Lord, Paragraph [0009] Lines 3-10 with Paragraph [0046] Lines 13-16); and

a recording instruction section which issues an instruction for recording the video information of the program (Lord, Fig. 12 Elem. 66 and Paragraph [0031] Lines 5-8 and Paragraph [0042] Lines 8-10; with Potrebic, Col. 7 Lines 52-55); and

Lord in view of Potrebic does not expressly teach:

a selector which chooses, when requesting the replay of the video information stored in said another device, whether to replay the video information that is recorded from the instant at which a recording instruction is issued to the recording instruction section or to replay the video information from the beginning of the program.

Thiagarajan teaches:

a selector (Fig. 5 Elem. 518) which chooses to record the program only from the instant at which a recording instruction is issued to a recording instruction section, or to record the video information from the beginning of the program (Col. 10 Lines 15-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that when requesting the replay of the video information

stored in said another device (as taught by Lord in view of Potrebic) having a selector choose whether to replay the video information that is recorded from the instant at which a recording instruction is issued to the recording instruction section, or to replay the video information from the beginning of the program as taught by Thiagarajan. The motivation would been to provide the viewer the opportunity to view programming that was broadcast prior to the issuance of a recording instruction.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward C. Sipple IV whose telephone number is 571 270 3414. The examiner can normally be reached on M-F 8-5 EST 5/4/9 schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571 272 7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ES  
12/07/2007

/Hai Tran/  
Supervisory Patent Examiner, Art Unit 4178